

JUN 26 2007

DARDI & ASSOCIATES, PLLC

ATTORNEYS AT LAW

Intellectual Property-patents,
trademarks & copyrightsPeter S. Dardi, Ph.D.
Curtis B. Herbert, Ph.D.

FACSIMILE COVER SHEET

TOTAL NUMBER OF PAGES BEING SENT: 5

[] Original documents to follow by mail [X] No originals will be sent

DATE: June 26, 2007

TO: Examiner Darlene Brown (Appeal Brief Review)
Examiner Mark Ruthkosky
Group Art Unit 1745

PHONE #: 571-272-1291

FAX #: 571-273-8300

U.S. Bank Plaza
Suite 2000
220 South Sixth Street
Minneapolis, MN 55402
612.746.3005 phone
612.746.3006 faxOne Security Centre
Suite 400
3490 Piedmont Road
Atlanta, GA 30305
404.949.5730 phone
612.746.3006 faxApplication No.: 09/845,985
Applicant: Chaloner-Gill et al.
Due Date: July 25, 2007

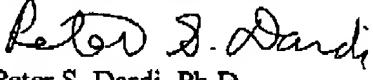
OUR REF.: 2950.20US01

FROM: Peter S. Dardi, Ph.D.
PHONE #: 404-949-5730

Attached please find the following for filing in the above-identified application.

(1). Response to Notification of Non-Compliant Appeal Brief with two corrected pages.

Respectfully submitted,


Peter S. Dardi, Ph.D.
Registration No. 39,650

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 571-273-8300 on the date shown below.

June 26, 2007

Date


Peter S. Dardi, Ph.D.

THIS FACSIMILE TRANSMISSION CONTAINS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE PARTY IDENTIFIED ABOVE. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE CALL DARDI & ASSOCIATES, PLLC COLLECT AT (612) 746-3005. DISTRIBUTION, REPRODUCTION OR ANY OTHER USE OF THIS TRANSMISSION BY ANY PARTY OTHER THAN THE INTENDED RECIPIENT IS STRICTLY PROHIBITED.

RECEIVED
CENTRAL FAX CENTER
JUN 26 2007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 2950.20US01

Chaloner-Gill et al.

Confirmation No.: 2942

Application No.: 09/845,985

Examiner: Mark Ruthkosky

Filed: April 30, 2001

Group Art Unit: 1745

For: PHOSPHATE POWDER COMPOSITIONS AND METHODS FOR FORMING
PARTICLES WITH COMPLEX ANIONSRESPONSE TO NOTICE OF NON-COMPLAINT APPEAL BRIEF

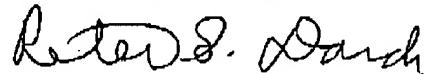
Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant thanks Examiner Brown for the courtesy extended to their undersigned representative in a phone interview today. Examiner Brown clarified that two pages needed correcting in the brief. Also, Examiner Brown indicated that only the two corrected pages needed to be submitted. These two pages are attached.

In view of the attached pages, the brief is ready for consideration.

Respectfully submitted,



Peter S. Dardi, Ph.D.
Registration No. 39,650

Customer No. 62274
Dardi & Associates, PLLC
2000 U.S. Bank Plaza
220 South 6th Street
Minneapolis, Minnesota 55402
Telephone: (404) 949-5730

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 50-3863.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 571-273-8300 on the date shown below thereby constituting filing of same.

June 26, 2007
Date

Peter S. Dardi
Peter S. Dardi, Ph.D.

REAL PARTY IN INTEREST

NanoGram Corporation, a corporation organized under the laws of the state of Delaware, and having offices at 165 Topaz St., Milpitas, California, has acquired the entire right, title and interest in and to the invention, the application, and any and all patents to be obtained therefore, as per the Assignment, recorded at Reel 013434, Frame 0292 from the inventors to NeoPhotonics Corporation (then named NanoGram Corporation) and an assignment from NeoPhotonics Corporation to NanoGram Corporation, recorded at Reel 013957, Frame 0076. Note that NeoPhotonics Corporation was formerly called NanoGram Corporation, and the present NanoGram Corporation was previously a wholly owned subsidiary of NeoPhotonics Corporation following the formal name change. The present NanoGram Corporation is now an independent corporation.

RELATED APPEALS AND INTERFERENCES

The assignee of the present application has several other applications presently on appeal. However, none of these appeals are related to the present appeal with respect to the same references. However, Appellant's pending appeal of application serial number 09/435,748 has similar issues relating to indefiniteness. Since no other decided appeals are related in any relevant way to the present appeal, no earlier opinions are attached in the Related Appeals Appendix.

STATUS OF CLAIMS

Claims 1-3, 6-9, 12, 14-21, 48-50, 52-56 and 58-61 are pending, and all of the pending claims stand rejected. Claims 4, 5, 10, 11, 13, 22-47, 51 and 57 have been canceled. The pending claims are listed in the Claims Appendix. All pending claims are being appealed.

RELATED PROCEEDINGS APPENDIX

None